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## ABSTRACT

Ten brief articles focus on issues in the administration of special education especially in New York State. Articles have the following titles and authors: "Administrative Skills--Coping with the Future" (J. Gross); "The Impact of Public Law 94-142 and Chapter 853 on Regular and Special Education Administrators" (R. Costello); "The Emerging Role of the State Education Department with Emphasis on the Task of Regional Associates" (R. Guarino); "An Educator's Perspective--Due Processes Hearings" (E. McManus); "Collective Negotiations--Does It Lead to Erosion of Administrative Prerogative or Enhancement of Quality of Instruction" (M. Fletcher); "Factors That Support Appropriate Integration of the Handicapped into Regular Classes" (R. Reger); "In-Service Training--The Road to Improving Instruction of the Handicapped In General Education" (C. Podolsky); "Career Education for the Handicapped--Whose Responsibility is Supervision?" (G. Muenster); "The IEP as a Management Tool in Special Education" (P. Irvine) and "Due Process Procedures" (J. Gross). (DB)

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## VIEWPOINT

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The role of the special education administrator of the 1980s is rapidly being molded by the accelerating changes fueled by significant state and national legislation. Right to education, confidentiality, Committees on the Handicapped, least restrictive environment, due process and other significant concepts have awakened the nation's conscience to its responsibility to educate *all* children.

Litigation, parent partnership in decision-making, delabelization, advocacy, architectural barriers and statutory compliance are all issues that can try the patience and test the skill of the ablest administrator. The complexity and multitude of issues have unquestionably impacted the role of the special education administrator. The enormous demands and constraints placed on special education leadership have generated ripples of uncertainty—and doubtless some early retirements. The task of administration has never been easy; today it is mind-boggling. Not many years ago, an administrator could resolve a problem by exercising sound personal judgement. Today, he must often consult an attorney before making a decision. Warding off litigation is an overriding concern of administration. Implementing procedural safeguards related to P.L. 94-142 has, in itself, become a full time job. Greater state and federal control has resulted in the need to generate more paperwork and reports, any number of which are requested within short time frames.

Responding to bureaucracy has, more often than not, prohibited the lead administrator of special education from visiting programs, thereby putting him out of touch with teachers and students and forcing him to rely on subordinate administrators for his knowledge of what is going on in the schools. Such knowledge is sometimes unreliable, subordinates being prone to tell their superiors what they would be most pleased to hear. If administration is the art of managing people, priorities and finance, then the trick is to manage time effectively, ensuring that priority tasks are attended to.

The national commitment to provide a free and appropriate education has created greater administrative responsibility and a resultant need for special education administrators to gain essential new skills. A proliferation of services has resulted in the need to supply added leadership to growing programs. The primary burden for developing this leadership will fall on universities working in concert with the public schools. Training programs will have to be selective; emphasizing skill development in long range planning, policy development, supervision of staff, management of priorities, fiscal problem resolution, grantsmanship, negotiations, legal process knowledge, program implementation, report drafting and most importantly, interpersonal/communications skills. This latter talent is especially significant in interagency coordination, parent interaction, lawyer involvement and media relations.

General educators, under great pressure, have turned to special education leadership for advice in carrying out federal and state mandates. This is a tribute to special educators and the gains they have made in the last decade.

*(Continued on Page 15)*

# Administrative Skills—Coping with the Future



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## Accelerating Rates of Change

Administering the school systems of the future will be a formidable task. The last twenty years of this century will no doubt bring as much change as have the previous 50. And as society changes, so does the role and function of public education. Whereas twenty years ago educators were reacting to the technological and scientific implications brought on by Sputnik and the Soviet Union, today there is a growing preoccupation with insuring basic skill in reading, writing and arithmetic. In the same short time, society in general and special educators in particular have been moving toward the development of equal educational opportunity for children with special needs.

In this context, administrators seek to gain the skills necessary to deal with tomorrow's challenges. In special education there are signs that as the right to an education issue is being addressed, even though sometimes unevenly, the issue of quality of service is moving to center stage. It has become a major legal theme in Pennsylvania recently after the Pennsylvania Association for Retarded Children v. The Commonwealth of Pennsylvania right to an education case was fading. No sooner did we firm up our moral and legal commitment to these children's rights by dramatic program expansion and attendant due process guarantees then we were faced with the question of program quality indicators. Indeed one issue becomes a staging area for the next, and new skills must be developed if the administrator is to remain effective. Finding the time to respond positively to these changes is difficult at best. It is complicated even more when the rate of change accelerates as it has in today's world. Consider the following illustration on the rate of change given by a former state superintendent of public instruction: "Suppose we say that mankind has had 50,000 years of recorded history. In order to bring this into a comprehensible span of time, let's compress the 50,000 years into 50 years, which represents the lifetime of many of us here. If we accept this scale you stop being a cave man about 10 years ago. Five years ago, pictorial writing was invented. Two years ago, Christianity was born. Fifteen months ago, we had the first printing press in western Europe. Ten days ago today, electricity was put into practical use. Yesterday, the airplane flew for the first time in the

morning, and radio was invented last night. Television came into being late yesterday afternoon, and the commercial jet was invented since I started talking."

With such rates of change an overriding concern of administrators and other decision makers in today's world is that of being able to perceive the world as it is and to make decisions and pursue courses of action that are relevant to the times. The great danger is that during times of accelerated rates of change there is a higher potential for discrepancies occurring between the world as one perceives it and the world as it really is.

Notwithstanding these more global difficulties in a rapidly changing society this brief article is designed to highlight several skill areas that will be important to the special education administrator in the context of dealing with future challenges in the field.

## Necessary Skills

There are general administrative skills needed for the management of any educational enterprise including budgetary, supervision, public relations, recruitment, etc. Skills which administrators will need to cope with the problems and demands over the next twenty years grow from recently emerging problems in education.

First and foremost, the educational administrators of the future must become effective managers. Although "management by objectives" systems were not considered applicable to education because there were clearly defined success criteria, this method has been getting greater attention and application. Administrators cannot escape the responsibility for efficiently managing the fiscal and human resources at their disposal. One of the most urgent tasks of the next two decades will be to raise educational administration to the level of managerial expertise one finds in the corporate world. Increasingly administrators will be required to: 1) develop a clear sense of mission for their organization; 2) clarify objectives for subordinates and the public; 3) mobilize resources in pursuit of those objectives; and 4) devise systemic ways of measuring and monitoring the performance of the actors in the system. A first step in this process in any organization is to develop policy statements and procedures to implement these policies. There are prepared materials in this area for those interested in reviewing this topic in more

detail.<sup>1</sup>

Second, educational administrators must become better politicians. Education is less isolated than ever before from the political mainstream. Local autonomy and ostrich-like behavior on the part of educators will not work in a day where interdependence and interrelatedness are the norm. Administrators must be more knowledgeable about the opportunities as well as constraints presented by the external political environment and must become more skillful in marshalling external support. This support may take many forms. Financial resources for education have come under increasing pressure for localities unwilling or unable to bear the full cost of providing educational services. Thus, the need for state, federal and foundation support has increased dramatically in importance. The skillful administrator must become adept at accessing these sources.

As education has come under sharp public scrutiny and criticism over the last decade, educational administrators have become public administrators. Their actions and policies have indeed become *public* policies especially in today's social context with the expansion of parent and local agency advisory groups and with the increased competition between regular and special education for shrinking fiscal resources. There is nothing more unpopular with regular education and parents of regular education children than to tell them we are going to build services for special education students and pay for them by dismantling certain regular education service including sports programs, art, music and others. Indeed this is occurring today either by district choice or by court mandate. Special education administrators can mitigate the negative effects of this situation by getting out in the schools and in with civic organizations and present these new programs in a perspective which allows the non-special educator to take some ownership in creating the equal opportunities for children with special needs.

A third set of skills which the administrators of the future will require is a solid foundation in the literature. Special educators with sound management ability and a good grasp of the political realities of the time may survive, but to build sound programs their efforts must reflect recent research findings and the experience of proven methodologies. It is always clear to the thoughtful classroom observer when there is a commitment at the highest levels of a special education organization to be mindful of the literature and research findings in the field. The teacher and staff have a keener sense of pride and confidence in their work when they know their methods reflect sound practice.

In many ways, special education administration is more complex than other forms of educational administration because the educational needs of the students are specialized and varied. Thus the competent special education administrator must be an expert in a student's special physical, emotional and intellectual needs, as well as being knowledgeable about the state of the art of education in general. This

will become even more important as the field moves toward generic structure for grouping children for services. The generic groupings such as those being developed by the State Education Department and those approved by the New York City Board of Education<sup>2</sup> will allow for a moratorium on label proliferation and label drift<sup>3</sup> and free the field up to concentrate more on developing sound, accountability based instructional interventions. Hands-on experience by the administrator in the field is one good way to develop an understanding of the daily problems and needs of students, teachers and parents. Having the chief officer of the special education department involved in the development and operation of demonstration projects is one good technique for keeping up with the various problems and issues in the field.

A fourth needed skill area grows from the increasing amount of litigation in special education. The most effective way of avoiding litigation proceedings is to operate high quality free and appropriate public education programs for all children with special needs including the necessary due process and equal protection guarantees. In New York City where we are faced with a crushing fiscal deficit, personnel needs, growing non-English proficient populations, and sometimes bitter competition with regular education for dollars, there is no dearth of litigation and court proceedings. At least five special education staff members (F.T.E.) spend their time on data gathering for the courts, consent decree writing for court masters and due process hearings. The cost in terms of time away from service to children and teachers is staggering. Internal procedures can be organized to curtail certain legal involvements, allowing more time for the development of effective programs and services. For example, the establishment of informal (sans lawyers) due process procedures can help prune the shrubbery of burgeoning legal proceedings for a special education department. A procedure being developed for use in New York City to resolve conflict situations between parents and school and between regular and special education has proven effective in reducing reliance on formal costly legal proceedings.<sup>4</sup> This direction is particularly important as legal costs rise. There are cases where special education administrators are yielding to parents wishes rather than going to hearings as certain hearings are most costly (up to \$7,000 and \$8,000) than the program being sought by parents.

#### **Leading a Parade**

There are additional skill areas one could identify for insuring effectiveness in tomorrow's schools. This listing is not meant to be inclusive. Those mentioned above seem to be important given our direction today in special education. Finally, it might be useful to remember that as an administrator of special education at a time of accelerating change, there is a clear responsibility for providing direction and leading the organization forward. In doing so, the advice of former politician Al Smith is useful, "If you're

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# The Impact of Public Law 94-142 and Chapter 853 on Regular and Special Education Administrators



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If Alvin Toffler, author of *Future Shock*, were to seek out a group of Americans for whom his best seller seemed most relevant, he would need to look no further than to public school officials throughout New York State who have been trying to implement both the spirit and the letter of special education legislation created during the decade just passed. The passage of these well known federal and state statutes have created for school administrators a wide variety of challenges that have stretched both their skills and patience. Public awareness of the needs of exceptional children has multiplied magnificently and the demands by parents and advocates for exceptional children have led to the creation of a wide variety of programs. Concomitant with this expansion have been numerous issues that regular and special education administrators have found themselves dealing with on an ongoing basis. The purpose of this article will be to explore the common concerns of both these groups as well as issues particular to the regular administrator or the special education administrator.

## COMMON CONCERNS

Public Law 94-142 and its state level counterpart, Chapter 853 have most noticeably resulted in a much expanded bureaucracy whose stated goals have been compliance monitoring and technical assistance. Local school officials have been hard pressed to determine whether in fact that second goal is existent but are most sensitive to the compliance role of newly appointed regional associates. Both the National School Boards Association and the New York State School Boards Association have decried the loss of local decision making powers and have stated that Public Law 94-142 has opened the door to state and federal control of education. Local school officials are uneasy with what appears to be a bureaucratic posture that implies that "all school districts were created evil" and that without existent legislation there would be little motivation on their part to serve children with handicapping conditions.

Teachers unions have responded vociferously at the bargaining table over such issues as the Individualized Education Program and the concept of the Least Restrictive Environment. Regular and special education administrators find themselves attempting to bargain themselves into compliance which is obviously both a new and frustrating experience.

State Education Department officials while recognizing the complexities involved in collective bargaining insist that this process only testifies to the continued existence of local control in public education.

As school superintendents, building principals, and special education directors were attempting to be both current and compliant they were none the less well aware that new regulations and financial guidelines were being reviewed in Albany prior to being implemented in the field. In relating to these issues during the past decade the role of public school administrators is best summed up by a colleague of mine who stated, "I have been feverishly attempting to manage incremental but ongoing change during a period of conflicting fiscal and programmatic regulations".

## ISSUES IMPACTING ON REGULAR EDUCATION ADMINISTRATORS

The primary overriding concern being articulated by the school superintendent in relation to the new legislation is most obviously the "mandate without money" nature of these laws. Chapter 241 promised considerable additional aid for handicapped children most of which was many years of arriving, if at all. The proposed federal expenditures under Public Law 94-142 have been consistently reneged upon by congressional opponents of the law. Section 504 while brilliantly outlining school district responsibility has done little or nothing to back up its intentions with fiscal inducements. As a result school officials question both the intentions and morality of the lawmakers who so eagerly jumped on the handicapped bandwagon.

School superintendents were most sensitive to the fact that Chapter 853 chose for them to have a much diminished role in the provision of programs for exceptional children. Due process proceedings and the powers of the Committees on the Handicapped greatly challenged the role relationships within the school district organization. Thus many times a school superintendent has found himself dealing with boards of education in relation to special education issues over which he has had little input or control. In summation the superintendents have found themselves with increased responsibilities to provide programs for handicapped children while at the same time experiencing a loss of control of decision making

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## The Emerging Role of the State Education Department with Emphasis on The Task of Regional Associates

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During the late 60's and early 1970's major changes were occurring in the field of special education both nationally and in New York State. Great efforts were being made by advocacy groups and leadership personnel in special education to provide the necessary services for handicapped children, as well as securing and training the necessary personnel to provide such services. The role of state education departments in general, and New York in particular, were focused on the training of such personnel as well as the provision of technical assistance, for local school districts, BOCES, and private schools serving handicapped children.

### THE DIVISION OF SUPERVISION

With the passage of Public Law 94-142 and New York Chapter 853, the role of the State Education Department in New York changed considerably. Public Law 94-142 had, as its emphasis, the provision of a free appropriate public education for all of the nation's handicapped children. New York's law as well as Commissioner's Regulations (Part 200) called for new due process procedures as well as tighter regulations for the provision of special education and related services for handicapped children. These laws and accompanying regulations caused the New York State Education Department to change its role from one of providing technical assistance to a stronger monitoring role. In order to implement this monitoring role the Department organized the Division of Supervision within the Office for Education of Children with Handicapping Conditions and allocated field-based positions to provide the necessary monitoring.

The initial task facing the Division of Supervision during this early phase of implementation was recruiting and selecting key leadership people to fill these positions. This early effort was successful in recruiting staff to fill vacancies in the five regional offices located across New York State. Initially, regional associates were housed in the central office in Albany to serve locations throughout the State. This central location became impractical and offices were established in Buffalo, Syracuse, Albany, Long Island and New York City. In these strategic locations, "regional" associates were able to respond in a more efficient manner to the complaints brought to the Office by parent groups and other individuals concerned with the provision of services to the State's handicapped children.

### MONITORING—PRIMARY GOAL

Monitoring and compliance with the various laws and regulations on the part of school districts, BOCES and private schools in New York State was (and still is) the primary goal of the regional associate. A specific objective during the initial year of implementation of the role of the regional associates was to provide monitoring to the State's private schools serving handicapped children. The decision to focus on these programs was largely due to complaints raised by parent groups as well as the need to visit such schools, which had not been visited in several years. These private schools, some of which have high quality special education programs were monitored against Chapter 853 of the Laws of 1976, Public Law 94-142, as well as the Commissioner's Regulations and the Federal Regulations. Regional associates' tasks were to conduct program reviews of these private schools, publish draft findings in a site visit report, share these findings with the school for appropriate comments and complete final reports indicating to the school what particular requirements were deficiencies in the school program and provide timelines for compliance. During this phase of the monitoring process, and as a result of several schools' unwillingness to come into compliance, these schools were removed from the State's list of approved schools receiving Chapter 853 funding. This action on the part of the State Education Department demonstrated the State's commitment to provide appropriate services for its handicapped children as well as adhering to the State and Federal responsibilities connected with monitoring.

To assure that public programs both within local school districts as well as BOCES were visited the Department has inaugurated a three year cycle (beginning this year) of monitoring visits and program reviews of randomly selected public school districts and BOCES programs. The primary factor in selectivity was that the district serve at least 400 handicapped children and had an increase or decrease of approximately 25% of its population of handicapped children. In addition, the Department, through its regional associates, has drafted a program review guide which combines the various facets of compliance into one integrated document to be used for monitoring. This comprehensive document lists all

*(Continued on Page 16)*



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## **An Educator's Perspective— Due Processes Hearings**

Under Federal and State law and regulations, local school districts are required to implement due process procedures designed to protect and safeguard the rights of handicapped children during the processes of identification, evaluation and placement. While few professional educators would take exception to the intent of the due process regulations; and while none would deny that the rights of handicapped children should be protected; many would strenuously object to the added burdens and unexpected administrative and financial headaches which have come about as a direct result of the due process procedures.

The present due process and impartial hearing procedures are clearly designed to hold public school officials accountable in terms of providing equal educational opportunities for all school aged handicapped children residing in New York State. Even a superficial analysis of the various due process regulations reflects the beginnings of a most unfortunate trend—that is, the developing image of public school administrator as the “bad guy”.

Practically any decision involving the education of a handicapped child is subject to appeal by the parents of the child. The entire process inevitably results in an adversary proceeding which pits the parents against the school. Tragically, the child is often caught in the middle of this quasilegal proceeding and sometimes as positions harden, frustrations increase, and as hearing officers and lawyers argue and debate, the real issues are lost in clouds of rhetoric.

Certainly all school officials are not “bad guys”, just as all parents are not misinformed and unrealistically argumentative. School authorities can, and do, work cooperatively with parents to assure that their special children get the very best education available. Most parents are reasonable and are able to deal amicably and effectively with school administrators and members of COHs.

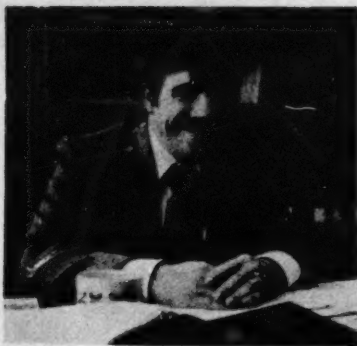
There appears to exist in both camps, however, what might best be described as a “lunatic fringe”. While some educators undoubtedly fall into this category, their impact is fortunately minimal since in most cases educational decisions are made by COHs, where the majority rules. While this system does not guarantee fairness it does tend to safeguard the child's interests from being undermined by any one member of the group. Misinformed or otherwise

unreasonable and argumentative parents can, on the other hand, make life quite miserable for professional educators who are attempting to service the needs of their handicapped child. These parents, frequently supported by lawyers and “expert witnesses” who have very little real understanding as to what constitutes an adequate special education program, can literally tie up a COH for weeks and months on end. All too often decisions are rendered based on legal and procedural matters—and in some cases the educational rights of the child are “plea bargained” away in order to effect some kind of resolution satisfactory to both parties.

There is absolutely nothing in the legislation that takes into account the amount of money and staff time that local school districts are currently being forced to spend related to the due process hearings. These costs must be paid for out of local tax money, and depending upon circumstances, they can be quite substantial. As more and more teachers, school psychologists, administrators and other members of the professional staff find themselves entangled in long drawn-out due process proceedings, they are forced to spend less time attending to their other equally important educational duties so that there is a growing concern that some non-handicapped students are not receiving all of the educational support that they are entitled to. Surely public schools are held equally responsible for all of the children and parents of non-handicapped children are beginning to demand the same benefits for their children that are mandated for the handicapped. These parents seem to feel, perhaps with some justification, that their children's educational programs have been watered down so that the less fortunate handicapped students can be served as the law demands. If this unfortunate trend continues to grow, a serious “backlash” against the educational rights of handicapped children might develop in certain fiscally hard-pressed communities and school districts.

While one might argue that the public schools should not be overly concerned with costs, the present method of funding educational programs continues to depend most heavily on local taxes. Homeowners are finding school taxes increasingly burdensome. No responsible public school official can disregard fiscal realities as he prepares his bud-

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## Collective Negotiations—Does It Lead To Erosion of Administrative Prerogative or Enhancement of Quality of Instruction

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In 1967, the Legislature of the State of New York enacted what is commonly referred to as the Taylor Law<sup>1</sup>. The statute extended the right to public employees to organize and negotiate collectively with public employers with regard to salaries, wages, hours and other terms and conditions of employment. At the outset many educators saw in the Taylor Law a promise for improving the quality of educational programs. Some persons felt that negotiations could also lead to the professionalization of public education. School boards and superintendents, on the other hand, were not as enthusiastic about the passage of the Taylor Law. For them, it held little promise except for the erosion of their authority and control of the schools.

Even after twelve years experience with the Taylor Law, it is difficult to analyze the effects of collective negotiations in the public schools with any degree of precision. The future is similarly difficult to forecast. There are, however, some observations which are pertinent. Clearly, negotiations were not the panacea for all of the problems confronting education. The recent emergence of special education has again raised interest in utilizing collective negotiations as a means to improve educational programs for children with handicapping conditions. Those persons who rely upon negotiations to accomplish educational goals in the field of special education will probably be disappointed.

Public education to a large extent can be viewed as a lay-professional dichotomy. The laws governing education establish distinct roles and responsibilities for school boards and educators.<sup>2</sup> The Taylor Law bifurcates educators into labor and management and further specifies that the superintendent of schools shall be responsible for conduct of negotiations on behalf of the school district.<sup>3</sup> In some respects the roles created by the Education Law and the Taylor Law conflict.

While many educators, teachers and administrators alike have repeatedly attempted to utilize negotiations to improve the quality of instruction, the attempts have been less than successful. There are probably several reasons for this. Foremost among the reasons is the fact that no amount of negotiating is likely to create change unless the resulting contracts are fully implemented. In order for an agreement to be implemented both parties need to have the capacity

as well as the willingness to fulfill their mutual obligations. The amount of litigation which has occurred during the past several years stands as a testament to the ability of both parties to view their agreements as being composed of words only when it suits their respective needs. It can be argued that much of the conflict emerging between labor and management is the result of a misperception of the purpose of negotiations.

The Taylor Law classifies topics for negotiations under three categories.<sup>4</sup> Mandatory subjects of negotiations are salaries, wages, hours or other terms and conditions of employment. Both public employers and public employee organizations, are required to negotiate with respect to these subjects. Non-mandatory subjects of negotiations are items which both parties may negotiate, but over which either party may refuse to negotiate. The third category is composed of items which negotiations are prohibited, and agreements reached concerning these items are null and void.

Both labor and management propose items for negotiations oriented toward improving instructional programs. Items concerning class size, student discipline, textbook selection, curriculum, the classification and placement of children with handicapping conditions are frequently non-mandatory subjects of negotiation. Since either party may refuse to negotiate with respect to such subjects, the ability to substantially affect the quality of instruction through negotiations is limited. Even if school administrators were willing to negotiate subjects directed toward the improvement of instruction, there exist at least two constraining factors which would impede agreement.

Administration is but one component of school management. The board of education, itself, has certain statutory rights in the process of negotiations. Before an agreement can be implemented the funds necessary for the agreement must be appropriated by action of the legislative body and in the case of most school districts that would be the board of education.<sup>5</sup> Thus, while the superintendent of schools is responsible for the conduct of negotiations, the board of education controls funding. A second constraining factor is the availability of state aid. If the Legislature enacts legislation providing additional monies

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# Factors That Support Appropriate Integration of the Handicapped into Regular Classes

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There are two major groups of factors supporting the integration of handicapped students into regular classes. The first group is intangible and is visible only by the actions it reflects: attitudes. The second group of factors is the tangible support offered to those responsible for the integration process.

Attitudes are the underpinning forces that determine how effective integration efforts will be. But even the most pro-integration attitudes must have something to support the implementation of deliberate integrative programming. The teacher who is willing to accept any and all challenges may be a saint, but there is a limit on how much each person can do without help.

With the combination of pro-integration attitudes and supportive services, integration has a first-class ticket to success.

Attitudes in this context are very hard to describe, and textbooks are not much help in trying to decipher what they are, what they mean, and how they can be changed if so desired. While many of us enjoy a stop on the way home from work for an "attitude adjustment hour" how many of us have ever heard of a deliberate, concrete attempt to "manage" attitudes about handicapped students in schools? True, every special education teacher knows about the influence of negative and positive attitudes, and tries to turn negative attitudes in a positive direction. But a general "attitude adjustment hour" officially sponsored by the administration or board of education is rare.

A major component of attitudes is context, what people are used to. A district that has historically sent all handicapped students to segregated facilities will have a staff with attitudes different from those in a district that has maintained handicapped students in the same buildings as non-handicapped students. Integration of the handicapped in a district where the presence of handicapped students has been rare probably will find staff members with a high level of attitude problems. But even in a district where handicapped students always have been close by will have problems when it comes to actual integration—and that is where the supportive services become important.

The management of attitudes has not always been handled well. Sometimes there is an expectation that handicapped students can be placed into regular classrooms—period. No supportive services. No inservice

training. When this happens, and word spreads to other districts and fears are fanned about this as the typical approach, negative attitudes become stronger, and more firm. Handicapped students become the subject of contract negotiations; regular teachers expect more money, or fewer non-handicapped students. Rules are drawn and gauntlets are thrown. People take sides; parents become upset, and divided. Handicapped students become burdens, unwanted responsibility, extra work.

Where the integration of handicapped students is managed well, the results can be much more positive. The first step is to let everybody know what is going on, what to expect. The ol' cliché, *communication*, has meaning at this first step. Building principals should be informed about the laws, regulations, court decisions, and changing expectations that require integration of the handicapped and non-handicapped. The support of building principals is *essential*. The principal should be provided with backup assistance to support the students and teachers: resource or itinerant teachers, teacher aides, inservice training. Given information and tools to work with, the principal is prepared to approach the staff.

In preparing the teaching staff, the principal should display a low-key, positive attitude about the prospective integration. Everything should be explained to the staff. The principal should explain that laws and regulations make integration inevitable, that it is going to happen, and that his or her hope is that by working together the school can make the experience a happy one for everybody. A principal who displays a "I-don't-want-to-do-it, but-I-have-to" attitude is asking—*begging*—for problems.

The principal needs support, too. The superintendent or board of education should not toss the problem at the principal and then run away. The principal will have problems, even under ideal conditions. When this happens, backup support will be necessary. For example, if a handicapped child should become such a severe management problem that the child spends most of the day in the principal's office—with irate parents on the phone every day—the principal needs assistance. A principal who is abandoned at this point will quickly turn against the whole idea of mainstreaming, or integration of the handicapped.

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# In-Service-Training—The Road to Improving Instruction of the Handicapped in General Education

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A friend of mine once called me "the quintessential optimist." Whenever I get discouraged with the state of our field, I think of her words and plough on. In one way or another we all feel the pressures resulting from the mandates of P.L. 94-142 and the frustrations when progress is slow. Whether we agree upon the interpretation of the concepts of mainstreaming, least restrictive environment or due process, we can all agree—that the need for in-service training is critical if the mandates are to be realized.

The easiest and quickest course of action is to add a workshop or two to the school district's In-service Course Schedule and hope that teachers register for it. I am convinced that the approach will not work. In order for an in-service training program to be effective, we must ask the same question we ask ourselves when we plan for children. Who are our students? What are their cognitive and affective needs? What are their developmental levels of instruction? What methods and materials should we choose? What programs or organizational models should we use? The general principles of learning apply whether we are talking about children or adults. Therefore, when developing an in-service program to improve instruction of the handicapped in general education, we must systematically consider and provide answers to the following questions in the context of our own school districts and communities:

1. What are the goals of such an in-service program?
2. Who should participate in the program?
3. What are their needs?
4. What form(s) should the in-service program take?

## **In-Service—An Immense Responsibility**

The primary purpose of in-service education is to provide knowledge, develop skills, and change attitudes. The specific content, the instructional strategies, and the organizational models will differ and depend upon the learners' needs and preferred styles of learning. Since the major goal is to improve instruction for the handicapped in general education, comprehensive in-service programs for all are needed. Too often regular classroom teachers are expected to adjust to the responsibility of educating the handicapped without being provided with new skills. That viewpoint is misguided and unfair. All administrators, other professional and non-professional personnel

including clerical staff, custodians, children, and parents need to be included in in-service education if change is to be effected.

We have to break away from traditional beliefs and models that impart solely knowledge to teachers. We have to acknowledge and confront people's fears and prejudices about handicapped children and the anxiety they engender. Reinforcing a split between teachers and administrators, or intensifying a fight for service between parents of handicapped and non-handicapped children can only breed disharmony. Not overreacting to the hostility and resistance of some general educators, and tempering the arrogance of some special educators are equally important.

In addition to gaining new skills, those in general education have to be reassured that their effectiveness will not be judged solely or primarily by the standardized achievement scores of their classes or schools. The benefits of having handicapped and non-handicapped children together have to be demonstrated to parents. Special educators have to be assured that their job security is not being threatened. In their desire to shield their students from painful experiences, they can become over-protective and insulate themselves and their students.

I cite these obstacles because unless we are realistic, the programs developed may "look good" but not accomplish much. We also run the risk of dooming them to failure and inadvertently providing ammunition to those who said it would never work.

How do we create partnerships among the different constituencies? We have to capitalize on people's good will and generous impulses and not take a job well done for granted. Skilled, dedicated, caring professionals, other school staff, and active parents need to be recognized, praised and supported in their successful efforts with handicapped children. Their success can serve as models for others to follow.

Firmly established approaches to action and thought are difficult to uproot. We should not expect changes in the school community unless we are prepared to control our own hostility when negative attitudes toward handicapped children are expressed. Accurate information and concerned communication are essential factors in delivering any in-service program.

The more typical ways of providing in-service

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## **Career Education for the Handicapped: Whose Responsibility is Supervision?**

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The past few years have witnessed a growing awareness of the need for formal career education programs for all students, and especially for those with handicaps. Traditional approaches to special education, historically, have designated adolescence as a time when instruction in the classroom shifted from "academic" learning to "pre-vocational" learning. An interesting observation is, however, that for the greatest number of handicapped youth "pre-vocational" instruction never leads in reality, to "vocational" instruction. Career education has entered the scene and shifted this adult preparation activity from something merely for the adolescent to a life-long learning.

The successful implementation of career education programs for the handicapped is contingent upon the infusion of its concepts, objectives, and processes by school personnel at all levels as an integral part of the school curriculum. During his/her school career the handicapped person will come into contact with a wide variety of school personnel—general educators, special educators, vocational educators, school nurses, administrators, counselors, and various testing personnel. From this diversity, at all levels and in all settings, one typically finds only a single thread of continuity—the presence of a special educator, upon whom the responsibility for the education of all handicapped children has been statutorily placed. Simplistically speaking then, we can assume that the basic responsibility for the career education process with the handicapped rests with special education personnel. Let's examine the alternatives:

### **GENERAL EDUCATION**

A. General education personnel have much to offer in the total career education program as they constitute, in many cases, the least restrictive environment for the handicapped on a K-12 continuum. By utilizing basic principles of infusion over this entire continuum general educators can provide career awareness, exploration, and preparation activities without sacrificing academic content.

Brolin and Kokaska (1979) point out that during the elementary years handicapped students must learn functional academic skills as they lay the foundation for the subsequent learning of the daily living and occupational skills needed for community living and working. At junior and senior high levels,

academics diminish and instruction focuses on the impending job placement soon to follow. General educators also have difficulty meeting the needs of "regular" students as reported by Hoyt (1975):

- too many persons leaving the educational system are deficient in basic skills required for today's rapidly changing society,
- too many students fail to see meaningful relationships between what they learn and what they will do later, and
- general education best meets the educational needs of that minority of persons who will someday become college graduates.

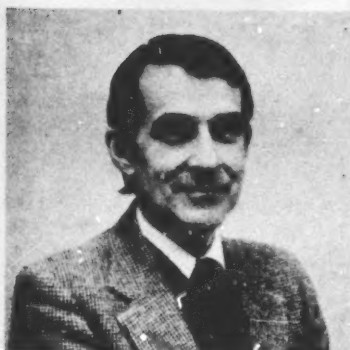
In many cases, there is still too much emphasis on bringing students to a certain grade level by the end of a school year rather than considering the total constellation of developmental skills needed to make the individual a more effective person (Brolin and Kokaska, 1979). Although supervisory potential exists in the general education sector for career education for the handicapped, the needs of the general population assume first priority and the needs of the handicapped become secondary. With the additional pressure for going "back-to-the-basics", general educators are currently examining ways to shore-up academics, not reinforce career education.

### **VOCATIONAL EDUCATION**

B. Vocational education personnel have, in the past, been quick to deny access to vocational programs to handicapped students. According to Phelps (1979) vocational education has been viewed, traditionally, as a program for high school age students who weren't going to college or who were considered more proficient with their hands than their heads. It has taken years of hard work for vocational education to rid itself of the stigma of the program for the "not so bright". Now, a proliferation of handicapped students in occupational education will surely undo all this effort. Additionally, Colella (1977) suggested that training the handicapped in a skill area, in the minds of vocational teachers, reduces the status of the non-handicapped who ostensibly are learning a set of skills they are more capable of achieving than the handicapped.

The reader may ask at this point, "Why discuss vocational education in a treatment on career education?" The answer to this appropriate query can

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## The IEP As A Management Tool in Special Education

Public Law 94-142 establishes the right of every handicapped child in the United States to receive a free, appropriate public education. To insure *individual* attention for every handicapped child, that law contains a requirement that an Individualized Education Program (IEP) be developed for each child.

The IEP document consists of a written statement which must include:

- \* A statement of the child's present levels of educational performance
- \* A statement of annual goals, including short-term instructional objectives
- \* A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs
- \* The projected dates for initiation of services and the anticipated duration of the services
- \* Objective criteria and evaluation procedures for determining, on at least an annual basis, whether the instructional objectives are being achieved

It can be seen that the requirement of the written IEP forces special educators to organize carefully the educational planning for each child. As the designation "Individualized Education Program" implies, the IEP is more than a document. It is also a process to be followed. This process must include the following steps:

- \* The preparation of a written plan
- \* The carrying out of the plan
- \* The evaluation of student progress in relation to stated instructional objectives

### THE IEP—A COMPLETE PLAN

The IEP, both as a written document and as a process of education, serves as a new, important tool for demonstrating clearly what the aims are for the student, what the school is doing and what has been accomplished by the student. The IEP process will customarily reveal more evidence of pupil progress than any less complete plan.

The IEP process has been found to produce a number of advantages. These include more appropriate and better organized instruction, meaningful involvement of parents, clarification of the teacher's perceptions of each child, and increased parent satisfaction with the program.

An additional benefit of the IEP process is that the information generated can serve a number of program management functions by providing an orderly way of describing what the school is accomplishing with each child. It can provide a basis for assessing the effectiveness of the school program. It can be used to improve instruction. It can be used for planning. It can provide a basis for communication with staff and parents. It can be used to present the results being obtained by the school to the parents, to the board of education, to the community, and to other audiences.

The increased availability of information that is implicit in the IEP process has understandably caused some uneasiness among school personnel. Much of the uneasiness on the part of teachers and administrators centers around fears that school systems will succumb to the false security of oversimplification, equate pupil progress with teacher performance, and base ratings of the quality of teaching performance on pupil achievement.

In actuality, there seems to be no more need and probably less temptation to do so than there was prior to the introduction of the IEP. Teachers should continue to be evaluated on the quality of their instruction, as determined through locally-developed procedures, and if anything, the IEP process will give the teacher an improved opportunity to demonstrate the quality of the instruction provided.

With regard to some of the most common fears about the IEP, a recent study (Kaye and Aserline, 1979) involving interviews with hundreds of practitioners, parents and administrators, concluded that the IEP will *not* be used as an evaluation tool of a teacher's competency, will *not* be used for litigation, and will *not* pose a threat to local autonomy by providing additional state control.

What can administrators do to improve the IEP process? The results of a study by Schipper and Wilson (1978) suggest that IEP implementation will be smoothest when administrators provide:

- \* support for teachers in assessment procedures
- \* educational materials cross-referenced by objectives
- \* standardized forms, and
- \* consultative assistance

Proper implementation of the IEP process requires

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John H. Gross, ESQ.  
The Lawyer's Perspective

## Due Process Procedures

The advent of Public Law 94-142, and the ensuing state legislation and administrative regulations implementing the directives of the federal enactment, has had a profound impact upon the practice of educational law. This legislation has required the intervention of lawyers, both for the student and school district, directly in the educational processes that relate to handicapped children. Needless to say, attorneys come to the task ill equipped to understand both the substance and lexicon of special education.

Take for example the typical appeal from a decision of the committee on the handicapped. The process is initiated by way of the filing of a request for hearing by the handicapped student's parents. That request must be filed within thirty days after receipt of the determination by the committee on the handicapped. The school district is then required to appoint an impartial hearing officer to conduct the hearing. The hearing officer has the authority to administer oaths and issues subpoenas. Additionally, a written or electronic verbatim transcript of the proceedings must be made, entirely at the cost of the school district. In the event the parents are non-English speaking, an interpreter must be provided. Both parties may be represented by legal counsel and may be accompanied by persons of their own choice. The hearing is closed unless the parent requests that it be opened and the parents have the right to determine whether the child shall attend the hearing. Each party has the right to present evidence and cross-examine all witnesses that are presented.

In order for the attorney representing the school district to be prepared to conduct this proceeding, he must meet at length with the special education personnel involved in the case. Needless to say, the attorney must rely heavily upon the special education personnel expertise in interpreting test data as well as explaining the facts surrounding the child's educational career. This process is very often a lengthy one since the attorney is wholly unfamiliar with the various testing mechanisms utilized by educators including both achievement and projective tests. The attorney must then determine the persons who will be testifying at the proceeding, whether the issue relates both to determination of handicapping conditions and/or placement, and the attorney must examine the procedural aspects of the case. Following this initial preparation, the hearing generally will occur

rapidly thereafter. Under New York State Commissioner's Regulations, the school district and the parent exchange copies of evidence such as written memoranda and test results, five days preceding the hearing. Very often when an attorney is present, representing the child, the hearing often becomes protracted and mired in legalism. With increasing frequency attorneys have also been selected as hearing officers for these proceedings because of the presence of attorneys on both sides and the necessity to have knowledge of the law of evidence. Educational decisions are frequently made upon legal advice to put the school district or child on the best footing to "win" the litigation commenced by the parents. These legal decisions will often result in delay or use of procedural strategies which prolong the litigation. For example, resort to federal courts during the pendency of an appeal under state law is occurring with increasing frequency. Cumulative costs of counsel fees, stenographic records, loss of administrative time, and fees to hearing officers is enormous. Additionally, when the board of education or child's parents are aggrieved, further appeal may be taken to the Commissioner of Education arguing errors of law or fact committed by the hearing officer. These appeals may then be further appealed to the courts of the State of New York.

There can be no question that the involvement of attorneys in the special education process both as to the evaluation of youngsters and appropriate placement may not be in the best interest of both the district and the pupil. As noted above, the cost of the due process requirements of the statute are often very high and the delay occasioned by a lengthy hearing will impact upon the education the child receives since he or she must remain in the setting they were assigned to at the commencement of the proceeding. Unlike litigation in many other areas, the Commissioner's Regulations also impose the burden of proceeding (ie, the party who must begin presentation of evidence) upon the school district and not the appealing parties, namely, the parents. Very often the theory espoused by the parents is not evident from the document submitted to the committee on the handicapped. In other words, when a parent seeks to appeal the committee's decision, there may be many parental concerns that the parents have not espoused before the committee. Very often

because parents do not have counsel, their concerns are not precisely articulated before the committee on the handicapped. When the hearing occurs and the school district comes in prepared to present its case, which is usually reflective of the committee's deliberations, it is often followed by matters that concern the parents that did not surface in the earlier proceedings. This causes delay to the process since the school district must then respond to these newly raised concerns, in some instances by way of further evaluation of the student.

Aside from the issue of the merit of involvement of attorneys in the educational process, the due proceedings established by federal law and implemented by state law and Commissioner's Regulations contain many aspects that are somewhat alien to the traditional plenary lawsuit in a court of this state. As noted above, the burden of proceeding is not on the appellant (the parents), but rather is upon the respondent school district. Secondly, the Commissioner's Regulations and New York State require the exchange of evidence five days before the hearing. While similar to what is known as discovery proceedings, this requirement has been strictly construed by the Commissioner to prohibit the later introduction of material not exchanged within the five days.

Thirdly, a procedural breach of the due process requirements will often lead to substantive relief. For instance, the Commissioner of Education of New York State has ruled that the absence of a physician on the committee on the handicapped during the committee's deliberations, will lead to the award of tuition for non-authorized private placement of a student by his parents.

In conclusion, it is quite evident that the establishment of the due process procedures, relatively complex in format, has caused increased involvement of the legal community in educational matters. This coupled with the significant differences between special education due process proceedings and "traditional" education law has given rise to costly and lengthy litigation both before the Commissioner of Education and state and federal courts. This expensive by-product of the legislation designed to protect the handicapped child has, and will continue to have, a significant cost impact upon school districts budgets. Added to these costs are the expenses of local districts in establishing extensive "in-house" special education programs to meet the legal mandate of "mainstreaming". The ultimate effect upon a cost-conscious citizenry may lead ultimately to legislative action to "delegalize" the due process procedures. Perhaps, the institution of a streamlined binding arbitration procedure, administered by a panel of experts should be considered. Such a pilot program has been established for the litigation of medical malpractice cases. Needless to say, it will be difficult to eliminate the involvement of attorneys even in such a streamlined process. However, the interference of the legal community in the education process together with its quantifiable costs may give rise to such efforts.

## Viewpoint

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While in the early days, parents—followed by the federal government—encouraged the development of programs for the handicapped, the future will be vitalized by the quality of special education administrators. The field of special education has made important contributions—namely, the whole child concept, multi-disciplinary intervention, and most significantly, individualized instruction. Through the introduction of IEPs, special education has created an effective approach to instructional planning that will be borrowed wholesale by general educators.

These existing trends will give new status and stature to administrators in special education. I foresee a new era of self-confidence, self-esteem and public respect for my colleagues in this field.

The authors of this special issue on Administration of Special Education represent LEAs, SED, BOCES, large cities, a County Special School District and the legal profession. The variety of articles reflect a cross-sampling of the issues that confront leadership.

Toward this end, the lead article by Jerry Gross emphasizes the necessary skills needed by the special education administrator in managing today's schools. Of particular interest is his section on the politics of education.

Mark Costello provides us with some poignant insight into the implications of implementing state and federal laws. His comment on mandates without money is not unfamiliar to educators and parents alike in our attempts to provide exemplary services.

Robert Guarino identifies the emerging role of the Regional Associate and the impact we can expect to feel as the State Education Department decentralizes their leadership, regulatory and monitorial functions.

Ed McManus highlights some significant implications of due process hearings. His opinion that due process is an adversarial proceeding and his recommendations to train hearing officers as well as State fiscal responsibility for the burdensome cost of hearings will undoubtedly receive applause among educators.

Matt Fletcher reviews the Taylor Law and its implications in teacher/Board negotiations. Recognizing that negotiation is not a panacea for the problems confronting education, his conclusion that negotiations neither lead to an erosion of administrative prerogatives nor to an enhancement of the quality of instruction is thought provoking.

Roger Reger supports the concept of meaningful integration of the handicapped in general education and outlines the necessary factors including "attitudes" which must be present if we are to successfully implement this concept. His allusion to the importance of the role of the building principal in this process is well accepted.

Charlotte Podolsky discusses the importance of providing in-service education to general educators of children in integrated learning environments. Her emphasis on the creation of partnerships and her

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## Impact of Public Law 94-142

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within the district and the lack of promised state and federal support for those programs.

Building principals throughout the state have been immersed in a wide variety of programmatic responsibilities relative to exceptional children who previously had been educated in centers located in other communities. Their sensitivity in working with parents, regular and special education teachers, Committees on the Handicapped, and advocacy groups have greatly increased in the past few years. The State Education Department through its Regional Resource Centers and its SETRC network has offered a wide variety of training programs for building principals and their staff members. This intensive inservice effort, when taken advantage of at the local level, has proven to be a great asset to the building principal in meeting these new and complex responsibilities. As a result building level administrators now have greater understanding of the concept of special education and an awareness of the wide variety of needs manifested by exceptional children.

### ISSUES IMPACTING ON SPECIAL EDUCATION ADMINISTRATORS

In the years subsequent to the passage of Public Law 94-142 and Chapter 853, special education administrators throughout New York State have found themselves responding to the challenge of making the promise of these laws reality without incurring a potentially destructive backlash. Working with their public school colleagues to implement the spirit of legislation has been both difficult and rewarding. Much time has been spent combating misconceptions about the intent of the law and interpreting the meaning of specific terminology. Both the state and federal bureaucracies have been reluctant to take hard positions on some of the more delicate regulatory issues.

Special education administrators have often times found themselves protecting the legal flank and responding to increased paperwork demands which directly detracts from the more child centered activities of their job in former years. Frustration results from a feeling that this new role is based primarily on the responsibility to cultivate positive attitudes towards exceptional children while protecting them from the unanticipated consequences of a galloping bureaucracy.

The special education administrator often times finds himself caught between a variety of conflicting forces with diverse motives and attitudes about exceptional children. While the legislation has developed certain parameters for these disputes, the special education administrator is attempting to promote the legislation "as the vehicle for allowing school districts to do for exceptional children what they always wanted to do". Unfortunately, the mandate without money mystique has seriously impaired both the credibility and the effectiveness of the special education administrator in his/her attempts to bring the spirit of these laws to fruition.

Without a doubt the new laws have had monumental impact on school administrators in New York State. As the dust begins to settle from the first aftershock of their implementation, the need for strong and consistent leadership becomes more obvious. It is hoped that the decade of the 1980's will see the implementation of state and federal policies with fiscal support that will assist both the legislation and exceptional children in reaching their full potential.

### Emerging Role

(Continued from Page 7)

the requirements in Public Law 94-142, Chapter 853, Federal Regulations for Section 504, as well as Commissioner's Regulations Part 200. The format of the document allows for its use by the local school district or BOCES program as a self assessment, but more importantly, by the regional associate as a consistent measure of compliance across programs in New York State. Rather than assembling this document through a conceptual framework at the State level this document has been field tested in a number of local school districts and BOCES programs prior to its adoption. Copies will be distributed to every school district and BOCES in New York State.

### THE REGIONAL ASSOCIATE—A NEW FORCE OF LEADERSHIP

The task of the regional associate has become one of monitoring for compliance so as to assure that handicapped children across New York State are provided a free appropriate public education. Coupled with the monitoring effort is an objective to strive toward building quality programs for handicapped students. This objective will be reached as regional associates visit special education programs and discover dimensions of quality that exist across New York State. This undertaking will provide, for the first time, a list of those programs which are not only in compliance with Federal and State law and regulations but also go beyond compliance and demonstrate innovative or exemplary education programs. These programs will be catalogued showing the significant aspects of the program and will be shared with others in the State Education Department and the field so that the regional associate may recommend special education leadership personnel to visit and gain new knowledge and insights into program development.

Another outgrowth of monitoring is to suggest program weaknesses which may be dealt with by the provision of technical assistance. This technical assistance may be provided by the New York State Education Department resource specialists through training or other specialized assistance, as well as delivered through contracts or agreement with other school districts or BOCES.

An example of the former type of technical assistance came about through a program review of a large city special education program where it was found that specific training was needed for committees

on the handicapped. A training session was arranged by the regional associate with Bureau for Program Development Personnel at the State level. Training sessions were held in this large city school district over a period of several weeks and resulted in a strengthening of the Committees so that they might better meet the needs of suspected handicapped children as well as those children currently in their special education program.

The configuration of regional associates across New York State allows them to serve programs in rural areas, suburban school districts, BOCES and large cities. Some regional associates are serving only the very rural areas, some have an equal mix of suburban and small cities, and some serving only large city special education programs. This deployment may be viewed as a specialization with the "generalist" role of the regional associate. Such is not the case. This deployment insures for the first time appropriate attention to large city special education programs. In the city of New York, for example, several thousand children are still unserved and without special education programs and services. The deployment of several regional associates to serve this city's special education programs is a necessity. The cities of Buffalo and Rochester will have their own regional associate to assure that compliance is achieved in their special education programs.

The very rural areas offer the unique opportunity to develop special education where the perception has been that very little is offered to potentially handicapped children or those handicapped children already identified. The task of the regional associate in these areas will be to accomplish a program review in those selected districts as well as visit those districts through their committees on the handicapped and Boards of Education in an effort to resolve problems that are preventing needed services from being delivered to handicapped children and their families. The suburban areas of New York State, typically offering substantial and high quality special education programs, will not go unnoticed. These districts particularly have some of the strongest advocacy groups within our State who are able to cite problems through due process hearings, contact the regional associate to resolve complaints or render suggestions as to the lack of follow through from the district level.

In summary, the regional associates across New York State are an active, forceful and self-initiating group of leadership personnel in special education. It is through this network of regional associates that the task ahead for providing free appropriate public education for every handicapped child in New York State will be realized.

### **Educator's Perspective**

*(Continued from Page 8)*

get, the more and more money each year is being allocated to provide educational services for handicapped students.

### **The Impartial Hearing Officer**

The appointment and choice of the impartial hearing officer is a critical decision. Too often the hearing officer is ill-equipped to deal with many of the substantive issues raised at the hearing. Lawyers, after all, are not usually conversant in terms of special education theory and practice, while educators have no training in terms of legal and procedural issues. When the hearing officer is an attorney, the decision is rarely overturned on procedural grounds, but all too frequently the child's educational needs are inadequately addressed. On the other hand, when the hearing officer is an educator, decisions rendered are oftentimes overturned on appeal due to errors related to legalistic and procedural matters. In addition, the impartiality of a hearing officer is subject to question when he is an educator from a neighborhood school district or when he is a retired chief school officer who is being paid by the school board.

Clearly the State should assume a leadership role in terms of setting up training programs for hearing officers. Qualified personnel, attorneys and educators, should be certified by the State as competent to serve as hearing officers. Also, hearing officers should be assigned by the State based on a system of random selection. All costs associated with the expenses and salaries of hearing officers should be borne by the State and not by the local school district.

The due process laws and regulations have been with us for a relatively short period of time; however, districts have had sufficient exposure and experience with them to recognize that some modifications are needed. Of major importance would be the development of some mechanism designed to short circuit the due process procedures so as to avoid meaningless COH reviews and requests for hearings when there is nothing in the data to warrant these requests. School officials and COH members find themselves at the mercy of an admittedly small group of parents who use the laws and regulations as a means of delaying educational recommendations and placements, that for whatever reason, are unacceptable to the parents. As a result, needy handicapped children are frequently kept in educational settings that are inappropriate for long periods of time as the due process procedures are worked through to a conclusion.

Finally, there are some clear cut cases where a particular child may be considered dangerous to himself or to others. Compelling medical and/or psychological reasons often mitigate against keeping such a child in a certain educational program. In these instances, a COH must have the flexibility to act decisively in the best interests of the child, without the added burden of strictly adhering to all of the due process regulations.

One final thought. The "perfect" educational placement for many handicapped students does not now exist, nor is it likely to exist in the future. Compromise will continue to be necessary as educators and parents work together to assure that the educational rights of handicapped children are fully protected.

## Collective Negotiations

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for public schools, the funds can support a higher level of program. If, however, the state monies are not increased, then local boards of education are faced with the prospect of increasing real property tax levels which are decidedly unpopular at best.

In the final analysis the availability of increased revenues and a board of education composed of lay persons impose limitations upon school administrators over which subjects will or will not be agreed upon in negotiations.

Special Education has been, perhaps, the most active area in education during the past few years. The passage of Public Law 94-142 by Congress in 1975 and the enactment of a new article 89 of the New York Education Law have created a plethora of new programs and opportunities for children with handicapping conditions. Coupled with the new programs have been increasing responsibilities for teachers and administrators. In turn, there has been an increase in the number of issues submitted by teacher unions in negotiations which are related to special education.

In the context of this article, the questions raised in the title must be answered in the negative. Negotiations do not in and of themselves lead to an erosion of administrative prerogatives, nor do negotiations lead to the enhancement of the quality of instruction. Administrative prerogative should not be equated with the arbitrary and capricious exercise of decision making authority. In most instances, administrators are not required to negotiate over topics which involve decisions concerning matters of educational policy.<sup>6</sup> In those instances where school administrators do negotiate with respect to such topics, they may erode their ability to make decisions. Negotiations do not, however, require such conduct.

The enhancement of the quality of instruction is dependent on many variables. Collective negotiations is not the most advantageous forum in which to accomplish such a goal. In the field of special education such issues as class size, teacher-student ratio, in-service training, classroom space, instructional materials, time for writing individual educational plans and access to the Committee on the Handicapped are important to both management and labor. Yet, negotiations with respect to these topics is not in each instance mandated, nor is it even desirable. A collective agreement sets forth terms and conditions of employment and identifies the respective obligations of both parties to one another. The contract which results from mutual agreement cannot set forth the entire relationship between the parties, for that relationship is regulated by many other extrinsic factors including state and federal statutes, regulations and rules from several administrative agencies as well as the availability of funds.

Negotiations, in summary, is only one facet of an extremely complex relationship amongst pupils, teachers, administrators, lay school board members, the local community, and the various levels of govern-

ment. This is true just as special education is only one facet of the entire educational program.

### REFERENCES

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<sup>2</sup>Frank P. Graves, "Development of the Education Law in New York," N.Y. Education Law Book 16, IX-XXIX (McKinney 1969).

<sup>3</sup>N.Y. Civil Service Law S201 (12) (McKinney Supp. 1978). *Matter of the Board of Education of Falconer Central School District #1 Towns of Ellcott, Gerry, Cairo, Poland and Ellington*, 6 PERB 3058 (1973); *Matter of Elwood Public Schools, UFSD #1*, 6 PERB 3075 (1973) and *Matter of the Board of Education of the Enlarged City School District of the City of Jamestown, N.Y.*, 6 PERB 3123 (1973).

<sup>4</sup>The classification of topics for negotiations is the result of improper labor practice proceedings held before the New York State Public Employment Relations Board which is the agency responsible for administering the Taylor Law. See also: N.Y. Civil Service Law SS205 and 209 (McKinney Supp. 1978).

<sup>5</sup>N.Y. Civil Service Law S204-a (McKinney Supp. 1978).

<sup>6</sup>*Matter of City School District of the City of New Rochelle*, 4 PERB 3704 (1971).

## In-Service Training

(Continued from Page 11)

education are limited and narrow in conception and, therefore, have been only minimally successful. Other methods should be explored even though they are by no means unique. If all members of the school community were involved in a systematic, well-integrated plan that included combinations of the suggestions below, chances for success would improve. These suggestions cross all areas and are not listed in order of priority. Their particular usefulness depends upon the needs of your school community and its present level of development.

### Suggestions

- (1) Schedule of released time for all school personnel on rotating basis. Groups would cut across all segments of the school community and include those with varied roles and responsibilities. The program would consist of:
  - a. Formal instruction in an overview of special education including films, visits to programs, etc.
  - b. Hands-on experiences with handicapped children.
- (2) Discussion groups of parents of handicapped and non-handicapped children.
- (3) Discussion groups of handicapped and non-handicapped children.
- (4) Flexible schedules and assignments so that regular and special educators can work together with handicapped and non-handicapped children in team teaching arrangements. At the same time, both groups could be learning new techniques, using new materials, etc.
- (5) Developing mentor and/or peer-tutoring programs for handicapped and non-handicapped children at all levels.
- (6) Developing human relations curriculum at every

## Professional News

Forward information on professional moves, retirements, special awards and honors, advanced degrees, grants, articles and book publications, workshop presentations, etc. to PROFESSIONAL NEWS ASSISTANT EDITOR.

VINCENT J. FEUDO is the new Director of Services, The Center for Handicapped Children, Inc., Cheektowago. Prior to his present position, he was an Assistant Professor in the Exceptional Children Education Department, Buffalo State College. . . DAVID LAZERSON, a learning disabilities teacher, was named "Teacher of the Year for 1979" in the Buffalo Public School System. Lazerson was honored for his work in developing peer tutoring projects and for initiating an outdoor learning program. . . CONNIE SOMMER is now Director of Education, Hillside Children's Center, Rochester. She was an elementary guidance counselor on the Hilton School System. . . MRS. MARCIA A. SARAN is now Supervisor of Special Education, Pupil Service Centers, the Buffalo Public Schools. . . Mrs. Rosalie Wiggle now heads the Buffalo Public Schools District Committee on the Handicapped. . . The new KALISKI COUNTRY DAY SCHOOL is now located at 5250 Independence Drive, Riverdale, New York 10471. IRV SANDERSON and DAVID BRAUNSTEIN are Co-Directors. . . A W.N.Y. branch of THE ORTON SOCIETY is being formed. Additional information from HONEY HOPKINS (716) 839-4267 . . . The FOUNDATION FOR EXCEPTIONAL CHILDREN is accepting applications for its Minigrant Award Program for 1980-81. Three awards up to \$500 each will be made to persons engaged in direct service to handicapped and gifted children and youth. For information and applications: Foundation for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091. . . A scholarship award of \$1,000 will be made to a handicapped student who is pursuing college or other post-high school studies during the 1980-81 academic year. FOUNDATION FOR EXCEPTIONAL CHILDREN for information and application. . .

### The IEP

(Continued from Page 13)

cooperation among teachers, administrators, support personnel, committees on the handicapped, parents, and the student when appropriate—who have a responsibility for the education of handicapped children. With time and team work, with recognition and reinforcement for those involved, we can use this process to carry out more fully our obligations to children with handicapping conditions.

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1. Kaye, N.L. and Aserlind, R., "The IEP: The Ultimate Process." *The Journal of Special Education*, Vol. 13, No. 2, Summer, 1979, pp. 137-143.
2. Schipper, W. and Wilson W., "IEP Implementation: A Problem Or An Opportunity?" In Weiner, B., Ed., *Periscope: Views of the Individualized Education Program*. Reston, Va.: Council for Exceptional Children, 1978 (ED 159 872).

grade level to increase awareness of differences including handicapping conditions.

The need to overcome obstacles and to develop creative ways to provide exciting programs of in-service education is a prerequisite for improving instruction. Finally, while pursuing this important goal, we must recognize the need to remain patient, positive, and optimistic.

### Factors That Support

(Continued from Page 10)

If the principal displays a positive, *we're going to do it* attitude, asks the staff for support, and assures the staff that he or she will not abandon them in a crisis, the teachers will be much more ready to accept the practice of integration. Some "negotiating" to insure fairness probably will have to take place, with a few modifications here and there. The available supportive services—assuming they are available—will be rationally distributed. There probably always will be those on the staff who hate change, and will be anti-integration; but with a majority of the staff "on the side of right," the dissidents can be contained.

In some schools the biggest problem with integrating handicapped students is with the students themselves—the so-called normal students, who begin to act more "unnatural" than the handicapped students. This kind of behavior can be managed—as long as the school leadership does not support the students. Leadership means the principal, the teachers, and the leader-students themselves.

Providing a good educational experience for handicapped students is not easy. It isn't easy for any student. But it is being done elsewhere, and it can be done right here at home.

<sup>1</sup>Director, Special Educational Services, Erie BOCES #1, Lancaster, New York 14086

### Career Education

(Continued from Page 12)

be found by examining administrative structures in most state departments of education. Career education is, typically, a function of a division entitled the Bureau of Occupational and Adult Education. Career education falls under the aegis of vocational educators and, when vocational funds are sought to establish career education programs for the handicapped, generally an area vocational technical school (AVTS) or area occupational center must be involved. In other words, vocational educators (as the result of P.L. 94-482, P.L. 94-142, and OCR stipulations) are answering the question posed by the title of this discussion by saying, "Ours"!

Bowe and Razeghi (1979) state that everyone assumes that they all know how to work well with everyone, including handicapped students. It is often assumed that the handicapped do not present unique problems. In most secondary schools this is hardly the case.

Vocational education is truly an essential element of the career education process; but, it must be remembered that it is just that—an element. Vocational educators have not, to date, been involved with education on a K-12 basis. This severely limits their perspective in providing appropriate career education, especially for handicapped individuals.

#### **SPECIAL EDUCATION**

C. Special education personnel have, to a large extent, been caught up with "remediation syndrome". Many special educators have not adopted career education principles and practices because they view their purpose in the educational arena as ameliorators of academic deficits. Most, but not all, teachers of the adolescent handicapped have become career education implementers, but as one proceeds chronologically downward in a school, less and less commitment to career education is often found.

Special educators know the handicapped students' strengths and weaknesses. With the new laws regarding career and vocational education, however, many special educators are somewhat at a loss. In viewing career education as a total educational experience encompassing the K-12 spectrum, special education appears to be the only group appropriate for ultimate supervisory responsibility with respect to career education for the handicapped.

However, the responsibility issue is not that easily resolved. None of these groups should operate in isolation of any other group; in fact, the successful existence of each is dependent, in some way, upon the others. Public Law 94-142 directs educators to utilize as many resources as possible in planning appropriate educational programs for the handicapped. Career education is no exception.

It is this writer's opinion that career education for the handicapped is the responsibility of special educators and should be supervised accordingly. However, any supervisory approach that does not employ a team of support from regular educators, vocational educators, parents, business, industry, and students is not an effective approach.

Each person on the team represents a unique resource and expertise in planning for the future of the handicapped. Alone none of these resources will be able to be as effective as the total team. Through good communications, guided by special educators, the team can be a powerful means of ensuring that today's handicapped students become tomorrow's productive adults.

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 Phelps, L. Allen, A Message for Special Educators (Vocational Viewpoints), Voc. Ed., AVA Journal, Feb., 1979 Vol. 54, No. 2.

#### **Viewpoint**

(Continued from Page 15)

list of suggestions are helpful as we engage in the development of this worthwhile endeavor.

Gregg Muenster tackles an unresolved issue as he suggests a marriage of occupational educators and special educators in providing career education to the handicapped. He summarizes the differentiation between occupational, vocational and special education recommending that the responsibility to provide career education to the handicapped rests clearly with special educators with the supportive assistance of occupational educators.

Paul Irvine discusses the uses of the IEP and its benefit to administrators. Emphasis is given to the IEP process helping teachers to demonstrate the quality of instruction they provide.

Finally, John Gross reviews the legal procedure associated with due process. Recognizing the high costs of attorney fees, administrative time, and fees to hearing officers, Mr. Gross questions whether the involvement of attorneys in the special education process is in the best interest of the pupils or districts.

#### **Administrative Skills**

(Continued from Page 5)

going to lead a parade, don't get more than a block ahead."

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- 1 Policy Development—Higgins Scotty, Council for Exceptional Children, Arlington, Va. 1978  
 2 "Special Education in Transition," Jerry C. Gross, New York City Board of Education, September 10, 1979.  
 3 Label drifting refers to our penchant for developing new labels for children when our old labels become unacceptable especially when applied to middle class white children.  
 4 "Governing Least Restrictive Alternative Placements—A Procedure for Informal Conflict Resolution," N.Y.C. Board of Education, Division of Special Education, 1979 (In Print)

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